

REMARKS

This Amendment is responsive to the Office Action dated July 10, 2009 in the captioned United States patent application, the deadline for response to which is extended by one month as noted below. This Amendment is thus timely filed. Claims 51-89 are pending. Claims 1-50 are currently canceled, and claims 65-81, and 85-88 have been withdrawn from consideration pursuant to a restriction requirement. Reconsideration of the application is requested.

I. Rejection of Claims Under 35 U.S.C. §112

Claims 52-64 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 52 recites “the outlet openings of said compartments,” which was said to lack antecedent basis. Claim 52 has been amended as shown above to eliminate the basis for the rejection, and reconsideration is respectfully requested.

II. Rejection of Claims Under 35 U.S.C. §102

Claims 51, 53-54, 82-84, and 89 were rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,743,436 (Wilcox et al.). The Examiner stated that Wilcox et al. discloses a unit-dose syringe comprising a cartridge 12 having front and rear ends (52 and 51 in Fig. 4) and a compartment 50 for each component, a static mixer 56 connectable with the cartridge at its front end, a mixing tip 54 being integrally connected to the cartridge at the front end of the cartridge and receiving the static mixer, the mixing tip and the cartridge being integrally formed as one part (Fig. 4). The syringe was further said to comprise a plunger 42 located in the inactivated state of the syringe at the rear end of the cartridge, and movable towards the front end of the cartridge for dispensing material from the cartridge through the mixing tip. Applicants respectfully disagree for at least the following reasons.

Wilcox et al. discloses a dispensing applicator for dispensing material from a dual chamber cartridge. See Title; Abstract. The cartridge 12 includes chambers 50 for each component, as noted by the Examiner. A housing 52 connects exit conduit 54 to the cartridge 12, so that material contained in the chambers 50 can be dispensed through the exit conduit (and past the static mixer

56) and out the front outlet 58. However, contrary to the Examiner's summary of Wilcox et al., the exit conduit/housing is not integrally formed as one part with the capsule, as is required in claim 1. Wilcox et al. states, for example, that “[t]he cartridge 12 also includes a housing 52 that is *secured to the front ends of the barrels.*” Wilcox et al. at col. 5, lines 13-14 (emphasis added). Wilcox et al. goes on to explain that:

Optionally, the cartridge 12 is assembled by inserting the static mixer 56 in an exit conduit 54, and then connecting the barrels to the housing 52 by an adhesive, a welding process or other joining means.

Wilcox et al. at col. 5, lines 45-49. Clearly the exit conduit/housing is not formed integrally with the housing if it must be connected by an adhesive, a welding process, or other joining means, and forming the components integrally is believed to offer significant advantages in the device of the present invention. Accordingly claim 51, which recites “a mixing tip integrally formed as one part with the cartridge at said front end of said cartridge,” cannot be anticipated by Wilcox et al., and reconsideration of the rejection of that claim is respectfully requested. The remaining claims that were rejected under 35 U.S.C. 102(b) as being anticipated by Wilcox et al. all depend from independent claim 51, and thus are patentable over Wilcox et al. for at least the same reasons as claim 51. Reconsideration of the rejection of those claims is also respectfully requested.

III. Rejection of Claims Under 35 U.S.C. §103

Claims 52-55 were rejected under 35 USC § 103 as being unpatentable over U.S. Patent No. 5,743,436 (Wilcox et al.) in view of U.S. Patent Publication No. 2004/0262332 A1 (Pauser et al.). Claims 56-64 were rejected under 35 USC § 103 as being unpatentable over U.S. Patent No. 5,743,436 (Wilcox et al.) in view of U.S. Patent Publication No. 2004/0262332 A1 (Pauser et al.) as applied to claim 55, and further in view of U.S. Patent No. 6,572,031 (Hunter et al.).

These claims also all properly depend from claim 51, which is believed to be patentable for the reasons noted in Section II, above. Specifically, Wilcox et al. does not disclose or suggest a cartridge having “a mixing tip integrally formed as one part with the cartridge at said

front end of said cartridge.” The secondary references have not been shown to disclose or suggest that feature either, and accordingly independent claim 51 is patentable over the combination of references noted above. And because claims 52 through 55 and 56 through 64 include all of the limitations of claim 51, they are patentable over the combinations of references noted above for at least the same reasons as independent claim 51. Reconsideration of the rejection of those claims is also respectfully requested.

IV. Conclusion

All outstanding rejections are believed to have been addressed and overcome, and reconsideration of the application is respectfully requested. If a telephonic discussion with the Applicants’ representative would be useful in resolving any remaining matters in the application, the Examiner is invited to contact the undersigned at 651-736-4050.

Respectfully submitted,

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Date

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